

RUMSON ZONING BOARD  
MAY 17, 2016  
MINUTES

The regularly scheduled meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Mr. Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Trocivia, Dr. Wood, Mr. Duddy.  
Absent: Mr. Lizotte

Also present: Mr. Andre', Mr. Leahey, Esq., William Brooks, Borough Forester, and State Shorthand Reporting Service.

The notice requirements of the Open Public Meetings Act were stated as met.

Mr. Fred Andre', Zoning Officer was sworn.

Chairman Brodsky announces the first agenda item to be the Quirk Resolution for the property located at 8 Highland Avenue. Elizabeth Quirk property owner previously sworn appeared before the Board and discussed the revised plans, which were submitted by her architect. The revised plans show the removal of the bay window and the open porch without any railing being extended along the front facade, and centering the front door. Ms. Quirk stated that after considering the Board's comments at the last hearing, she felt this was the best redesign to have a functional front porch and a foyer. Mr. Duddy commented that the front of the home is cantilevered and the open porch is five feet in width and is not that imposing. Dr. Wood and Mr. Torcivia echoed Mr. Duddy's comments.

There being no further discussion, Dr. Wood makes a motion to approve the Resolution with the revised plans as submitted; Seconded by Mr. Torcivia.

Roll Call vote:

Ayes: Mr. Duddy, Mr. Torcivia, Dr. Wood

Nays: Chairman Brodsky, Mr. Blum

Abstain: Mrs. Seaman, Mr. Cottrell

Chairman Brodsky announced the next agenda item of the continued application of Joseph and Amber Guardino, 25 Waterman Avenue. Mr. Cottrell, Dr. Wood and Mr. Blum stated that they have reviewed the transcripts from the March 15, 2016 hearing and are eligible to vote on the application this evening.

Robert Adler, Jr., licensed architect on the project, previously sworn addressed the Board. Mr. Adler explained various iterations submitted for the Board's review. Mr. Adler explained there is an increase of 5' 3" in height from the present condition. He also stated that the roof design is appropriate and any pitch change would compromise the aesthetics of the home and the functionality of the existing third floor space. After consideration of the Board's comments at the last hearing, Mr. Adler explained several varying redesigns he prepared for the Board's consideration. One version shows a relocation and a reduction in the size of the screened porch, which was a neighboring property owner's concern. This set of plans reduces the footprint, lot and building coverage from the original proposal. The second floor master suite is also reduced. The total requested FAR will be 23 square feet; the building coverage of 31 square feet, and the lot coverage will be decreased by 297 square feet due to the removal of the driveway. The house will still be elevated.

Mr. Adler explained the pros and cons of the different elevations depicted on the plans for the Board's consideration. Mr. Adler also presented various options with regard to the garage design, including a detached two-car garage located in the rear yard. Mr. Adler explains the increases these designs would create.

Board Members questioned and discussed the plans before them. Mr. Adler advised that the interior has been rearranged without changes to the actual structure. Joseph Guardino, the home owner was sworn and addressed the Board. Mr. Guardino stated he spoke to the neighbors advising them of the proposals being presented to the Board this evening. Mrs. Seaman expressed her concerns with the proposed height of the structure. Mr. Duddy stated the home being raised two feet as opposed to the original proposal is inadequate. Mr. Adler advised that the original proposal from grade to ridge is 42.5 feet in height. Mr. Guardino explains the condition of the house when it was purchased and asks the Board to consider the originally proposed elevation. Chairman Brodsky agreed with Mrs. Seaman's assessment of the application and applauded the applicant's preservation of the house. Chairman Brodsky feels there should be some compromise that could be made to reduce the dramatic impact to the neighboring properties. Mr. Blum feels the only issue is the tradeoff between the height and building coverage. Mr. Blum would prefer the house being raised with the garage attached as proposed to adding more building coverage on the property.

Chairman Brodsky asks for public comment on the application. There being none, public comment portion is closed. Board Members discussed the application presented before them. There being no further Board comment, Chairman Brodsky asks the pleasure of the Board. Mr. Cottrell makes a motion to approve the application at the originally proposed elevation, preserving of the existing house, and with the reduction and relocation of the screened porch; Seconded by Mr. Duddy.

Roll Call vote:

Ayes: Mr. Cottrell, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: Chairman Brodsky, Mrs. Seaman

The next application to be heard is Karen and David Devlin, 149 Blackpoint Road. Karen and David Devlin, property owners are sworn. Steven Gassert, project designer is sworn. Mr. Gassert stated he was hired to renovate the existing one-story garage and greenhouse addition, also to reconfigure the driveway on the property. Variances are required for building coverage, floor area, lot coverage and for two proposed curb cuts. The lot consists of 25,500 square where 12,500 square feet is required; has 152 feet of frontage on Blackpoint, where 100 is required; conforming front setbacks; side and rear setbacks for the house are conforming. The existing detached garage has an existing nonconforming sideyard is 1'.9", where six feet is required. This existing nonconformity will be reduced. The existing floor area is 4,092 square feet where 3,500 square feet is permitted. The reduction in the garage reduces the floor area to 4,000 square feet. The existing building coverage is 3,969 square feet where 3,056 square feet is permitted. The removal of a portion of the garage and a pergola will reduce the building coverage by 305 square feet. The Applicant is requesting an additional 1,000 square feet for the new driveway, which is 209 square feet over the allowable lot coverage. The variance being created is due to the two curb cuts for the driveway. The existing driveway does not accommodate a K-turn maneuver for easier egress from the property. Blackpoint Road is 24 feet wide without a shoulder, no striping, no sidewalks or curbs. Mr. Gassert submitted 12 photographs of the property and streetscape, which are marked A-1.

Chairman Brodsky asks whether there are any issues with regard to the existing trees on the property due to the proposed driveway being requested. William Brooks, Borough Forester, is sworn and advised the Board that the existing hollies on the property are protected by Ordinance and are prohibited from removal. The Applicants plan to prune up the canopy of these hollies to allow a car to pass underneath. If this is a not a successful venture, then replacement hollies in the eight-foot range on the property would be required. Mr. Brooks also advised that there is a Black Oak, which is considered a significant specimen tree, in the area of the new driveway

and Mr. Brooks would recommend gravel rather than asphalt for the driveway surface to protect the root system of this Black Oak and the applicant agrees to having a gravel driveway and would take all precautions necessary during construction to protect the tree. The Applicant also stipulated that any trees removed for this project will be relocated or replaced on the property.

Chairman Brodsky asked for public comment on the Application. Mr. Ronald Sheftel, residing at 34 Navesink Avenue was sworn and addressed the Board. Mr. Sheftel advised the Board that his property abuts the subject property on the east. Mr. Sheftel stated that he fully supports the plan and agrees that the garage/greenhouse needs to be renovated and repaired. There is a heavily landscaped buffer area between the two properties. Mr. Tom Brownlee residing at 3 Wood Lane, was sworn. Mr. Brownlee also fully supports the application. Mr. Brownlee stated that he uses Blackpoint Road often and can understand the need for this type of driveway.

There being no further public comment, public portion is closed. Chairman Brodsky asked the Board for any further comments or questions. There being none Chairman Brodsky asks the pleasure of the Board. Dr. Wood makes a motion to approve the application as presented with the conditions as suggested by the Borough Forester and with the gravel portion of the driveway; Seconded by Mrs. Seaman.

Roll Call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None

Chairman Brodsky announces the next Application to be heard will be B5 Investments, L.L.C., 59 Wardell Avenue. Mark Aikins, Esquire representing the Applicant, addressed the Board. Mr. Aikens stated that B5 Investments is comprised of two members, Michelle and Greg Barry. The applicant proposes to demolish the existing single-family residence, retain the pool, reducing some of the coping and area around the pool, and build a new single-family home. Mr. Aikens introduced Patrick Ward, licensed professional planner and engineer on the project. Mr. Ward is sworn and his credential are accepted by the Board.

Mr. Ward explains the applicant proposes to raze the existing home and construct a new single-family home on the property approximately within the same footprint. The applicant is really for a Bulk Variance to keep the accessory structure (in-ground swimming pool) present at the property during demolition and construction. The proposal will reduce the existing patio. The property has existing nonconformities such as lot coverage and building coverage, which will be improved should the application be approved and be fully conforming. Mr. Ward explains the positive and negative criteria associated with this Application. Mr. Ward advised the Board of the grading changes proposed for the property. Board Members question the details listed on the architectural plans that were submitted. Mr. Greg Barry, member of the investment group, was sworn. Mr. Barry explains the plan is keep the structure at the existing grade, entering the dwelling at ground level.

Mr. Ward stated that the elevations listed on the plans submitted appear to be arbitrary and assumed elevations and not based on the 1988 datum, making the actual design details difficult to interpret. After further debate Mr. Aikins asks that the application be carried to the June 21, 2016 Zoning Board hearing to allow the Applicant to coordinate the architectural and engineering plans. Mr. Leahey announced the application will be carried to the June 21, 2016 Zoning Board hearing with no further notice required.

Chairman Brodsky asks for the next application of Scott and Lauren Zoeller, 2A Lakeside Avenue be presented. Scott Zoeller and Lauren Zoeller, property owners are sworn. Mr. Zoeller stated the application is to amend the previously approved Resolution dated July 21, 2015. The proposal is to increase the rear deck from the approved dimensions of eight feet nine inches in depth by 10' wide to be 8' 9" by 18'

wide and increase of 60 square feet. Mr. Zoeller stated they would request the removal of the four-foot west walkway. The proposal now is to add stairs to the deck down to ground level. The lot coverage will be reduced by 100 square feet. Mrs. Zoeller stated this adjustment makes for a more usable outdoor area.

Chairman Brodsky opens the application for public comment. There being none, public portion is closed. Chairman Brodsky asks for the Board's pleasure on this application. Mrs. Seaman makes a motion to approve the amendment to the July 21, 2015 Resolution; seconded by Dr. Wood.

Roll Call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None

Chairman Brodsky announces the last application of the evening being Thomas and Faith Brownlee, 3 Wood Lane. Martin A. McGann, Esquire representing the applicants addressed the Board. Mr. McGann supplies the Board with an overview of the application. The zone the property is located in requires a minimum 10,000-square-foot lots. The subject property is comprised of 37,500 square feet. The maximum floor area for the zone of 3,500 square feet, the proposal is for 4,605 square feet. Mr. McGann explained the application, if approved will eliminate two existing nonconformities by the removal of an addition on the right side of the home creating conforming sideyards, and the removal of the nonconforming shed structure. The relief being sought is due to Wood Lane being a private lane there is no frontage on an improved right-of-way.

Mr. McGann introduces Thomas Brownless the property owner. Mr. Brownlee is sworn and addresses the Board. Mr. Brownlee stated he spoke with his adjoining neighbors about the proposals and the plans have been adjusted to accommodate their concerns. Mr. Brownlee advised the Board that the present conditions in the home are inadequate for his family's needs and a fourth bedroom would improve the situation. The proposal is to convert the existing attached garage into an additional bedroom, bathroom and closet; construct a new two-car garage with a mudroom and an upstairs study, add on to the kitchen area and cover the exiting front entrance for weather protection. The asphalt immediately in front of the existing garage will be removed, and plantings will be added.

Mr. McGann introduced Edward W. O'Niell, Jr., New Jersey licensed architect and planner on the project. Mr. O'Niell was sworn and the Board accepted his credentials. Mr. O'Neill explains the existing house as being 3,552 square feet and appears to have had at least four additions to the original 1922 structure. Mr. O'Neill advises the Board of the reasoning behind the proposed modifications to the house. The existing garage structure 20' by 18' and is inadequate for storage of a vehicle and maneuverability. The new two-car garage is proposed at 24' by 24'. Mr. O'Neill explains that had the property is surrounded by the R-2 Zone, the subject property is closer in size to that zone than to its R-4 Zone designation and is the largest lot in that zone.

After discussions Mr. McGann advised the application be amended to reflect the north entrance drive will remain as is and the southern entrance to align with the proposed new garage. The applicant will submit revised plans showing same including the additional landscaping along the front of the proposed new guest addition.

Mr. McGann asks for the following exhibits to be marked into evidence: A-1, Monmouth County GIS Aerial; A-2 Existing House Plans; A-3 (2) Photographs of Existing House; A-4 First Floor Plan; A-5 Second Floor Plan; A-6 Plot Plan; A-7 Front Elevation; A-8 Rear/Side Elevations. Mr. Ward stated there was no negative impact associated with the requested relief, no substantial impairment of the zone plan or zoning ordinance should the Board look favorable on the application.

Chairman Brodsky opens the application for public comment. There being none, public portion is closed. Chairman Brodsky asks for the pleasure of the Board. Mrs. Seaman makes a motion to approve the application as presented with the re-alignment of the southern driveway, Seconded by Mr. Duddy.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Cottrell, Mrs. Seaman, Mr. Blum, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None.

Chairman Brodsky reviews the Resolution of Katherine Vossen, 53 Washington Street, and Alan Spina, 5 Maple Avenue and asks for a motion on said Resolutions.

Mr. Duddy motions to approve the Resolution of Vossen as prepared; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Dr. Wood, Mr. Duddy

Nays: None.

Abstain: Mrs. Seaman, Mr. Cottrell, Mr. Blum

Mr. Duddy motions to approve the Resolution of Alan Spina; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Dr. Wood, Mr. Duddy

Nays: None.

Abstain: Mrs. Seaman, Mr. Cottrell

Chairman Brodsky asks for comments on the April 19, 2016 Minutes. Mr. Duddy makes a motion to approve the Minutes as submitted; Seconded by Dr. Wood. By unanimous vote voice the April 19, 2016 Minutes are approved as submitted.

There being no further business before the Board, the meeting is adjourned at 9:55 p.m.

Next scheduled meeting will be June 21, 2016 at 7:30 p.m.

Respectfully submitted,  
Michele MacPherson